

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

ROBERT LOWINGER, Individually and On
Behalf of All Others Similarly Situated,)
Plaintiff,)
v.)
EUGENE B. JOHNSON, DANIEL G.)
BERGSTEIN, KELSO INVESTMENT)
ASSOCIATES V, L.P., KELSO EQUITY)
PARTNERS V, L.P., FRANK K. BYNUM,)
JR., GEORGE E. MATELICH, KELSO &)
COMPANY and FAIRPOINT)
COMMUNICATIONS, INC.,)
Defendants.)
Case No. 3:05CV316-H
PRELIMINARY
SCHEDULING ORDER RELATING TO
DEFENDANTS' MOTION TO DISMISS

The Court hereby orders as follows:

The Plaintiff shall have up to and until January 6, 2006 in which to respond to Defendants' Motion to Dismiss; and

Defendants shall have up to and until January 24, 2006 in which to file their Reply Brief.

SO ORDERED.

Signed: December 15, 2005

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

